

OFFICE OF THE FEDERAL PUBLIC DEFENDER  
WESTERN DISTRICT OF VIRGINIA

October 28, 2022

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*Via Electronic Mail*

Honorable Pamela Meade Sargent  
United States District Court  
Federal Building  
180 West Main Street, Room 123  
Abingdon, VA 24210

Re: *United States v. Michael Donivan White, 2:22mj44*

Dear Judge Sargent:

I write regarding the above referenced case against Michael Donivan White.

On October 21, 2022, the government filed a Criminal Complaint against Mr. White alleging violations of Title 21 U.S.C. §§ 846, 841(b)(1)(A), 841(a)(1), 841(b)(1)(B), 856(a)(1), 843(b) and 18 U.S.C. §§ 922(g)(1) and (3), 922(j), 924(c), and 924(j). Section 924(j) carries with it the potential penalty of death. After consultation with the Defender Services Offices and pursuant to Title 18 U.S.C. § 3005, I am requesting the appointment of the Office of the Federal Public Defender for the Western District of Virginia to represent Mr. White. I am further requesting that the Court provisionally<sup>1</sup> appoint Amy Austin, who works with the Office of the Federal Public Defender for the Eastern District of Virginia, as learned counsel on this matter. Ms. Austin's availability to assist our office with this case has been confirmed.

Ms. Austin serves as the Supervisory Assistant Federal Public Defender in the Richmond office of the Eastern District of Virginia. She has been practicing law since 1993 and has been a criminal defense attorney for over 22 years. Ms. Austin is capitally qualified, pursuant to 18 U.S.C. § 3005, and has served as lead counsel on death-eligible cases in the Eastern District of Virginia (including *United States v. Cruz, et al*, 1:14cr306 and *United States v. Greene*, 4:17cr52). In addition to serving as lead trial counsel in capital cases, Ms. Austin has also served as counsel in capital

<sup>1</sup> The Office of the Federal Public Defender for the Eastern District of Virginia must complete the out-of-district appointment process, which will not delay progress in this case.

habeas cases in federal court in both the Eastern District of Virginia and the Northern District of West Virginia. Throughout the last fifteen years, the United States District Court Judges in the Eastern District of Virginia have reached out to Ms. Austin and asked her to serve as counsel in complex criminal matters in need of learned and experience counsel. I have attached her curriculum vitae for your review.

Please let me know what additional information is needed to assist in getting counsel appointed to this case.

Respectfully,

A handwritten signature in black ink, appearing to read "Juval O. Scott".

Juval O. Scott  
Federal Public Defender

Enclosure